

Finally, the American College of Trial Lawyers [ACTL]—a respected organization of experienced plaintiff and defense attorneys—recommended a cap based on a two times compensatory damages in their 1989 report on punitive damages.

The ACTL report also recommended that the two times compensatory damage cap be combined with a minimum cap of \$250,000, but I do not believe such a measure is advisable or necessary. I believe a single measure—such as the measure contained in my amendment—is the most easily understood and ensures that all relevant cases are subject to the same standard. Multiple measures and standards imply that there is an imbalance in the formula being utilized.

I believe the measure of two times compensatory damages will work for everyone and will subject egregious offenders to strong punishment. This standard is fair and nondiscriminatory. It will apply to all litigants equally—whether you are a man or woman, wealthy or poor, a child or an adult.

Mr. President, if we have to include a cap on punitive damages in this legislation, we must ensure it is the best cap possible. So I ask my colleagues to join me in support of this amendment to the McConnell amendment today, and during further consideration of the underlying bill next week, because I do intend to offer this very same amendment to the underlying legislation as well.

I think the legislation, which is named the Product Liability Fairness Act, must live up to its name and therefore I think that my amendment will correct this discriminatory impact of punitive damages as it is currently drafted in this amendment as well as the underlying bill.

I believe my amendment is the best alternative available and I encourage my colleagues to support it.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask to speak in morning business and use part of my leader time to do so.

The PRESIDING OFFICER. The Senator has that right.

#### COUNTERTERRORISM INITIATIVE

Mr. DASCHLE. Mr. President, the day after the tragic bombing in Oklahoma City, when it became more evident that the terrorist attack was launched by Americans, President Clinton said he would seek prompt action on counterterrorism proposals he had already made, and promised to develop additional tools for Federal law enforcement to use.

Yesterday evening, the President hosted a meeting of the bipartisan congressional leadership to present his proposals and ask for timely, bipartisan consideration and enactment.

The President's proposals result from the well-considered experience of Federal law enforcement officials. They are designed to provide the additional legal authority Government needs to effectively combat terrorism, whether domestic or foreign.

These additional authorities will give Federal law enforcement agencies tools to combat terrorism more effectively without undermining or curtailing the constitutional rights of law-abiding American citizens.

Briefly, the proposal would extend the authority the FBI now has in national security cases to access credit reports and financial data for counterterrorism investigations.

The same standards as now apply in routine criminal cases would be used in counterterrorism cases for the orders that permit the FBI to use pen registers and trap-and-trace devices in investigations. These devices are not wiretaps; they simply capture phone numbers dialed, like a caller ID device that many people use in their own homes.

It would require hotel and motel operators and common carriers to provide records to the FBI for national security cases as they now routinely do for State and local law enforcement purposes.

It would fully fund the costs of implementing the digital telephony law, so that the ability of law enforcement to carry out court-authorized electronic surveillance would not be impeded by the shift to digital transmissions.

It would add 1,000 additional agents, prosecutors, and other personnel to increase the resources devoted to counterterrorism investigations, and establish an interagency counterterrorism center that would make sure the information and expertise of all Federal law enforcement agencies in this field are properly integrated in investigations.

It includes practical issues such as the requirement that chemical taggants be included in the raw materials from which explosive charges are created. This is essential to tracing the sources of such explosions as the one in Oklahoma City in the future.

Additionally, the proposal would enhance the penalties for crimes related to explosives, and directed against Federal employees. The proposal has been released by the White House, so all my colleagues have the opportunity to review these proposals in detail.

In addition, the President asked that we approve the Omnibus Counterterrorism Act of 1995, legislation which is primarily directed at foreign terrorists.

This package of proposals, along with the existing legislation, are carefully designed to give additional tools to law

enforcement without weakening in any way the constitutional rights of any American.

The President has been particularly clear that we will fight against terrorists at home and abroad with all constitutional tools. Anything less would give the terrorists the victory over us that they seek: They would have destroyed the fundamental rule of law in our country.

As Americans, we all understand that we cannot and must not allow the cowardly attack on civilian Federal workers to incite us to such anger that we take shortcuts with American citizens' rights.

The President's proposals are sound, moderate, and effective. They reflect the advice of practical, hands-on law enforcement agents who have experience in this field. They deserve careful and thorough review by the Congress, and they deserve timely enactment.

It had been the President's hope, and mine as well, that on this matter, where there is truly broad agreement across partisan lines, the Congress could work in a bipartisan fashion to enact this package of security enhancements in the not too distant future.

I also hoped that we could have a bipartisan, narrowly tailored package of proposals that could be enacted without divisive debates over controversial issues of long standing.

I believe that the American people expect us to put partisanship and political advantage aside and respond with unity to the immediate and urgent needs of Federal law enforcement agencies.

Last night, at the meeting with the President, there was every indication that there would be a bipartisan, focused proposal on which Congress and the President could agree to move us forward in the effort to combat terrorism. Each of us in attendance pledged our support toward that end. Regrettably, today the majority leader introduced a bill that threatens to slow our progress and mire the Senate in divisive, partisan, rhetorical debate.

Americans know that we can and undoubtedly will debate matters such as habeas corpus reform later this year. We have debated the issue in virtually every Congress in the past decade. But that debate involves persons who are already incarcerated with no chance for parole and who no longer pose a threat to society.

I think this is a time when we should instead be concentrating on measures that will have an effect on those who may be planning an attack, and from whom we are not at all safe, as the bombing in Oklahoma City so dramatically proved last week.

I sincerely hope prompt action on these needed law enforcement tools will not be held hostage to political priorities. I believe Americans expect more of us. I know the Federal workers who lost their lives and their children certainly deserve that and more.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, pending one other matter of business, I am going to ask for some unanimous-consent agreements that have been cleared with the minority and represent the minority's position as well as the majority leader's position.

#### TO PREVENT AND PUNISH ACTS OF TERRORISM

Mr. KYL. Mr. President, I understand that Senate bill, S. 735, introduced earlier today by Senators DOLE and HATCH is at the desk.

The PRESIDING OFFICER. That is correct.

Mr. KYL. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

Mr. KYL. I now ask for its second reading, and the minority leader objects.

The PRESIDING OFFICER. Objection is heard, and the bill will lay over and will receive its second reading on the next legislative day.

#### EULOGIES FOR THE LATE SENATOR JOHN STENNIS OF MISSISSIPPI

Mr. KYL. Mr. President, I ask unanimous consent that all Senators have until the close of business on May 10, 1995, to submit eulogies for our former colleague, the Senator from Mississippi, Mr. Stennis, and that at that time eulogies be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RETIREMENT OF THE SENATE ENROLLING CLERK, BRIAN HALLEN

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 112 submitted earlier today by Senators DOLE, and DASCHLE concerning the retirement of Brian Hallen, the Senate enrolling clerk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 112) commending the Senate Enrolling Clerk upon his retirement.

The Senate proceeded to consider the resolution.

#### BRIAN HALLEN RETIREMENT

Mr. DOLE. Mr. President, Brian Hallen, the Senate Enrolling Clerk, will retire from the Senate effective May 26, 1995, after almost 30 years of Government service. Brian's Government career started in January 1966 as a linotype operator at the Government Printing Office. He later became a proofreader and in 1975 was detailed to the Office of the Senate Enrolling Clerk. In December 1981, he became the Senate's first Assistant Enrolling Clerk, a position he held until March 1986 when he was promoted to his current position as the Senate Enrolling Clerk.

Brian has dedicated his Senate service to improving the operation of the Enrolling Clerk's office and has gladly and efficiently assisted in an ongoing effort to reduce congressional printing costs. During his tenure many innovative and cost-saving changes have been implemented. Among his accomplishments was the computerization of the very detailed engrossing and enrolling process. This enabled his office to have complete control over the accuracy and efficiency of the work and a substantial reduction in the cost and amount of time necessary to produce the printed legislation.

Brian is retiring with the satisfaction of knowing that he has done his best. His decisions were made with the best interests of the Senate in mind, and because of that mindset the institution itself is a better place.

I know all Senators will join me in thanking Brian for his long, dedicated, and distinguished service, and extending our best wishes for a long and healthy retirement.

Mr. DASCHLE. Mr. President, today marks the end of the Senate career of Brian Hallen, the Senate Enrolling Clerk.

Brian began his career of Government service in January 1966 as a linotype operator at the Government Printing Office. Over the years, he assumed other positions in the Government and eventually in 1981, became the Senate's first Assistant Enrolling Clerk.

Brian served admirably as Assistant Enrolling Clerk and was promoted to the position of Enrolling Clerk in 1986. As the Assistant Enrolling Clerk and as Enrolling Clerk, Brian has had the Arduous task of ensuring the accuracy of every provision—sections and titles—of the bills enacted by this body.

During the appropriations season, I understand that on many occasions, prior to the innovations of computerization, Brian could be found in his office burning the midnight oil working diligently on appropriations bills—checking and double checking—making sure every "t" was crossed and every "i" dotted—to ensure that the product that was delivered to the House or to

the White House was an actual reflection of the Senate's work.

I applaud him for the fine service he has given to this body and to his country. The Senate is a better place because of people such as Brian Hallen.

As Brian retires after almost 30 years of Government service, I wish him the very best and say "Thank you" for your many years of service and for your dedication to this institution.

I am sure all of my colleagues join with me in saying "have a long and happy retirement," and "Good luck."

Mr. KYL. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, that the preamble be agreed to, and that the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the resolution (S. Res. 112) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 112

Whereas Brian Hallen will retire from the United States Senate after almost 30 years of Government service;

Whereas he served the United States Senate for over 20 years; the last 9 years as the Enrolling Clerk;

Whereas his dedication to the United States Senate resulted in the computerization of the engrossing and enrolling process;

Whereas he has performed the duties of his office with remarkable diligence, perseverance, efficiency and intelligence;

Whereas he has faithfully performed his duties serving all Members of the Senate and House of Representatives with great professional integrity; and

Whereas Brian Hallen has earned the respect, affection and esteem of the United States Senate: Now, therefore, be it

*Resolved*, That the United States Senate commends Brian Hallen for his long, faithful and exemplary service to his country and to the Senate.

SEC. 2. The Secretary shall transmit a copy of this resolution to Brian Hallen.

#### COLORADO RIVER BASIN SALINITY CONTROL AMENDMENTS ACT

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 46, S. 523.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 523) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following: